



Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

MISSOURI STATE BOARD OF OPTOMETRY  
3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335  
573-751-0814  
573-751-8216 FAX  
800-735-2966 TTY Relay Missouri  
800-735-2466 Voice Relay Missouri  
optometry@pr.mo.gov  
<http://www.pr.mo.gov>

Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

### Telephone Conference Call

**October 14, 2010                      8:00 a.m.**  
**Missouri State Board of Optometry Office**  
**3605 Missouri Boulevard**  
**Jefferson City, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri State Board of Optometry, 3605 Missouri Boulevard, Jefferson City, Missouri 65109 or by calling 573-751-0814 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Optometry is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021, subsections (1), (3), (5), (7), (13), and (14), and Chapter 324.001.8 and 324.001.9 RSMo.

When the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please be aware that according to Missouri law, the Board can have open discussion and votes only on items included on the open agenda. If there is a topic you would like included on the open agenda, please notify the Board office not less than forty-eight (48) hours prior to the start of the meeting.

Please see attached tentative agenda for this meeting.

cc: Members, Missouri State Board of Optometry  
Office of Administration  
LeeAnn Barrett, O.D., Executive Director, Missouri Optometric Association  
Jane A. Rackers, Director, Division of Professional Registration

## Open Agenda

### Missouri State Board of Optometry Conference Call Meeting

October 14, 2010  
Division of Professional Registration  
3605 Missouri Boulevard  
Jefferson City, Missouri

- |     |  |             |
|-----|--|-------------|
| 1.  | Call to Order  | Dr. Bureman |
| 2.  | Roll Call  | Dr. Fowler  |
| 3.  | Approval of the Agenda   | Dr. Bureman |
| 4.  | Approval of the Minutes <ul style="list-style-type: none"><li>• June 4, 2010 Board Meeting</li><li>• June 30, 2010 Conference Call</li></ul> | Dr. Bureman |
| 5.  | Executive Director Report <ul style="list-style-type: none"><li>a. Financial Statement</li><li>b. Rulemaking</li></ul>                       | Mr. Barnett |
| 6.  | ARBO Annual Meeting Report   | Dr. Bureman |
| 7.  | Board Certification  | Dr. Bureman |
| 8.  | WPS/CMS Restrictions on Scope of Optometric Practice   | Dr. Nichols |
| 9.  | Approval of Continuing Education Courses   | Dr. Fowler  |
| 10. | Discuss Developing Language to Create a Retired License Status   | Mr. Barnett |
| 11. | Discuss Developing Language to Allow Licensees to Carry Over Extra Continuing Education Hours into the Next Reporting Period                 | Dr. Bureman |
| 12. | Future Meeting Schedule  | Dr. Bureman |
| 13. | Election of Officers   | Dr. Bureman |
| 14. | Motion to go into Closed Session   | Dr. Frier   |
| 15. | Adjournment  |             |

**Open Minutes**  
**Missouri State Board of Optometry**

**Telephone Conference Call**  
**October 14, 2010**  
**8:00 a.m.**

**Division of Professional Registration**  
**3605 Missouri Boulevard**  
**Jefferson City, Missouri**

The open portion of the telephone conference call meeting of the Missouri State Board of Optometry was called to order by Dr. James Bureman, President, at approximately 8:02 a.m. on Thursday, October 14, 2010. The conference call meeting originated from the Missouri State Board of Optometry Office at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

**BOARD MEMBERS PRESENT:**

Dr. James Bureman, President  
Dr. Cathy L. Frier, Vice President  
Dr. Michael L. Nichols, Member  
Dr. Kurt W. Finklang, Member  
Dr. Don Vanderfeltz, Member  
Ms. Dayna M. Stock, Public Member

**STAFF MEMBERS PRESENT:**

Brian Barnett, Executive Director  
Bonnie Mengwasser, Licensing Supervisor

**LEGAL COUNSEL PRESENT:**

Sarah Ledgerwood, Division Counsel

**GUESTS PRESENT:**

John Holds  
Tom Holloway, Missouri State Medical Association

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

**APPROVAL OF THE AGENDA**

A motion was made by Ms. Stock and seconded by Dr. Frier to approve the open agenda as written. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

## **APPROVAL OF THE MINUTES**

A motion was made by Dr. Nichols and seconded by Ms. Stock to approve the open session minutes of the June 4, 2010 Board meeting as written. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

A motion was made by Dr. Frier and seconded by Dr. Nichols to approve the open session minutes of the June 30, 2010 conference call as written. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

## **EXECUTIVE DIRECTOR REPORT**

### **Financial Statement**

Mr. Barnett presented the Board with the following financial statement as of August 31, 2010:

|   |  |                     |  |                      |
|---|--|---------------------|--|----------------------|
| <b>Beginning Fund Balance – 7/1/10</b>                    |  | \$246,788.42        |  |                      |
| Revenue (7/1/09 to 7/31/10)                               |  | \$47,232.75         |  |                      |
| Fund Balance Sub Total                                    |  | <b>\$294,021.17</b> |  | <b>\$294,021.17</b>  |
| <b>Appropriations to Board:</b>                           |  |                     |  |                      |
| Personal Service  |  | \$55,363.08         |  |                      |
| Expense & Equipment                                       |  | <u>\$42,043.00</u>  |  |                      |
| Total Appropriations                                      |  | <b>\$97,406.08</b>  |  |                      |
| <b>Appropriation Expenditures:</b>                        |  |                     |  |                      |
| Personal Service  |  | \$4,964.71          |  |                      |
| Expense & Equipment                                       |  | <u>\$1,416.89</u>   |  |                      |
| Total Appropriation Expenditures                          |  | <b>\$6,381.60</b>   |  |                      |
| <b>YTD Transfers from Fund:</b>                           |  |                     |  |                      |
| Rent  |  | \$0.14              |  |                      |
| Dept. Cost Allocatoin                                     |  | \$170.32            |  |                      |
| OA Cost Allocation  |  | \$0.00              |  |                      |
| PR Transfers  |  | \$3,158.74          |  |                      |
| Refunds   |  | \$0.00              |  |                      |
| FY 09 Transfers Carried Over                              |  | \$7,421.91          |  |                      |
| Total Transfers from Fund                                 |  | <b>\$10,751.11</b>  |  |                      |
| <b>Total Appropriation Costs and Transfers from Fund:</b> |  | <b>\$17,132.71</b>  |  | <b>- \$17,132.71</b> |

|  |  |             |  |                     |
|--|--|-------------|--|---------------------|
|  |  |             |  |                     |
| <b>Ending Fund Balance as of 7/31/09</b> |  |             |  | <b>\$276,888.46</b> |
|  |  |             |  |                     |
|  |  |             |  |                     |
| <b>Remaining Appropriation for FY10:</b> |  |             |  |                     |
| Personal Service                         |  | \$50,398.37 |  |                     |
| Expense & Equipment                      |  | \$40,626.11 |  |                     |

Mr. Barnett informed the Board that there hasn't been much in the way of expenditures so far this fiscal year. The Board's revenue will be substantially higher this fiscal year because this is a renewal year. Mr. Barnett also reminded the Board that because of the cost-saving measures that were implemented last fiscal year, there is no longer a need for a license fee increase within the foreseeable future.

### **Rulemaking**

Mr. Barnett informed the Board that the proposed changes that were made to the License Renewal rule were published in the Missouri Register on October 1, 2010 and are currently going through the public comment period, which ends on October 31, 2010. As of today's date, no comments have been received. Mr. Barnett estimates the effective date of the rule change to be around the end of March 2011.

### **ARBO ANNUAL MEETING REPORT**

Dr. Bureman reported on his attendance at the 91<sup>st</sup> Annual ARBO Meeting in June of this year. Dr. Bureman informed the Board that ARBO consists of fifty-eight (58) member boards. One of the biggest topics of discussion at the meeting was COPE. ARBO is encouraging its member boards to use COPE-approved continuing education exclusively for their licensing requirements. ARBO also encouraged member boards to use the OE Tracker. Dr. Bureman attended a presentation by the Citizens Advocacy Center, in which they discussed the need to demonstrate continued competency to the public.

### **BOARD CERTIFICATION**

Dr. Bureman reported that one way medical professionals are demonstrating continued competency is through board certification. The public demands and deserves a way for medical professionals to continually be tested for competency. Up to this point, proof of competency has been shown through documented continuing education.

### **WPS/CMS RESTRICTIONS ON SCOPE OF OPTOMETRIC PRACTICE**

Dr. Vanderfeltz reported that WPS, the insurance carrier for Missouri, Iowa, Nebraska and Kansas, decided to come out with a list of codes that can be used for optometric procedures. One mistake WPS made was to not include any "60000" codes because WPS considered those to be surgical codes. Representatives from Missouri, Iowa, Nebraska and Kansas discussed the issue with WPS and were able to get most of the codes reinstated. The biggest concern is that we are allowing an insurance carrier to determine what procedures can be done instead of the state boards determining that.

## **APPROVAL OF CONTINUING EDUCATION COURSES**

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. A motion was made by Dr. Nichols and seconded by Dr. Frier that the Board ratify Dr. Fowler's approval of the continuing education programs since the date of the last meeting. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

## **DISCUSS DEVELOPING LANGUAGE TO CREATE AN HONORARY LICENSE STATUS**

Mr. Barnett informed the Board that after researching other state boards' regulations, he determined that there aren't many states that have language for an honorary license. Mr. Barnett expressed his concern that, in terms of the Board's mission of protecting the public, he's not sure what purpose creating an honorary license status would serve. Mr. Barnett is also concerned that licensees who would be granted this type of license status wouldn't understand that they would have no rights to actively practice optometry.

Dr. Nichols explained that the Board began looking at the possibility of creating an honorary license as a means for elderly licensees who are no longer capable of practicing to maintain licensure.

Ms. Stock suggested that the Board consider calling this licensure type "optometrist emeritus" instead of "honorary license".

Dr. Nichols informed the Board that he isn't comfortable with the idea of disciplining and/or forcing retired/elderly licensees to surrender their licenses for failure to obtain the appropriate continuing education hours, and suggested that the Board consider approaching those situations differently in the future.

A motion was made by Dr. Nichols and seconded by Dr. Frier to table this discussion to allow Dr. Nichols and Mr. Barnett the opportunity to look into other options for the Board to consider. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

## **DISCUSS DEVELOPING LANGUAGE TO ALLOW LICENSEES TO CARRY OVER EXTRA CONTINUING EDUCATION HOURS INTO THE NEXT REPORTING PERIOD**

Dr. Bureman informed the Board that he has received several phone calls from licensees wondering what can be done with additional hours that are earned during a reporting period. Dr. Finklang expressed his concern that adding language to allow licensees to carry over extra continuing education hours into the next reporting period could potentially cause more confusion. It was the consensus of the Board not to proceed with this rule change at this time.

## **FUTURE MEETING SCHEDULE**

The next meeting of the Missouri State Board of Optometry is scheduled for Thursday, February 3, 2011 at 11:00 a.m. in the Division of Professional Registration's Main

Conference Room. The Board also tentatively scheduled a meeting for Friday, June 3, 2011 in Jefferson City.

### **ELECTION OF OFFICERS**

A motion was made by Dr. Nichols and seconded by Dr. Frier to nominate Dr. Bureman as President of the Missouri State Board of Optometry. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0. There being no further nominations, Dr. Bureman was declared President of the Board by acclamation.

A motion was made by Ms. Stock and seconded by Dr. Finklang to nominate Dr. Vanderfeltz as Vice President. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0. There being no further nominations, Dr. Vanderfeltz was declared Vice President of the Board by acclamation.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Nichols to nominate Dr. Finklang as Secretary. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0. There being no further nominations, Dr. Finklang was declared Secretary of the Board by acclamation.

Mr. Barnett informed Dr. Finklang that, traditionally, the Secretary of the Board has been in charge of reviewing continuing education courses that are submitted by sponsors that aren't automatically approved by the Board, as well as reviewing applications for licensure that the Board staff needs guidance on.

### **CLOSED SESSION**

A motion was made by Dr. Frier and seconded by Dr. Nichols to move into closed session pursuant to Chapter 610.021, Sections (1), (3), (5), (7), (13) and (14), and Chapter 324.001.8 and 324.001.9, RSMo, for the purpose of discussing complaints, investigative reports, applicants for licensure, general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0.

### **ADJOURNMENT**

The Board reconvened in open session at approximately 10:01 a.m. There being no further business to be brought before the Board at this time, a motion was made by Dr. Vanderfeltz and seconded by Ms. Stock that this meeting adjourn. Those voting yes: Dr. Bureman, Dr. Frier, Dr. Nichols, Dr. Finklang, Dr. Vanderfeltz and Ms. Stock. The motion carried 6 to 0. The meeting adjourned at approximately 10:03 a.m.

**Respectfully submitted,**

**Bonnie Mengwasser, Licensing Supervisor**

*Brian Barnett*

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**Brian Barnett, Executive Director**

**Approved by Board on: March 17, 2011**